A bill to be entitled

An act relating to the recall of county commissioners; amending s. 100.361, F.S.; providing that members of the governing body of a noncharter county may be removed from office by the electors of the county; making technical changes; providing a contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) and paragraphs (d), (f), and (g) of subsection (2) of section 100.361, Florida Statutes, are amended to read:

100.361 Municipal and county official recall.

(1) APPLICATION; DEFINITION.—Any member of the governing body of a municipality, or charter county, or noncharter county, hereinafter referred to in this section as "municipality," may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that

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Where used in this section, the term "district" means shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office pursuant to the procedures provided in this section. This method of removing members of the governing body of a municipality is in addition to any other method provided by state law.

- (2) RECALL PETITION.-
- (d) Grounds for recall.—The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following and must be contained in the petition:
 - 1. Malfeasance.÷

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- 2. Misfeasance <u>.</u>;
- 3. Neglect of duty.
- 4. Drunkenness.÷
- 5. Incompetence. +
- 6. Permanent inability to perform official duties.; and
- 7. Conviction of a felony involving moral turpitude.
- (f) Filing of signed petitions.—All signed petition forms shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition. The person designated as chair of the committee shall file the signed petition forms with the auditor or clerk of the municipality or charter county, or his or her equivalent,

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hereinafter referred to as "clerk." The petition may not be amended after it is filed with the clerk.

(g) Verification of signatures.-

- 1. Immediately after the filing of the petition forms, the clerk shall submit such forms to the county supervisor of elections. No more than 30 days after the date on which all petition forms are submitted to the supervisor by the clerk, the supervisor shall promptly verify the signatures in accordance with s. 99.097_{7} and determine whether the requisite number of valid signatures has been obtained for the petition. The committee seeking verification of the signatures shall pay in advance to the supervisor the sum of 10 cents for each signature checked or the actual cost of checking such signatures, whichever is less.
- 2. Upon filing with the clerk, the petition and all subsequent papers or forms required or permitted to be filed with the clerk in connection with this section must, upon request, be made available in alternative formats by the clerk.
- 3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the clerk shall, upon receipt of such written determination, so certify to the governing body of the municipality or charter county and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other

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4. If the supervisor determines that the petition has the requisite number of verified and valid signatures, then the procedures outlined in subsection (3) must be followed.

Section 2. This act shall take effect on the effective date of the amendment to the State Constitution proposed by HJR 663 or a joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the next general election or at an earlier special election specifically authorized by law for that purpose.